

One Day Training Course on the Native American Graves Protection and Repatriation Act

It has been over 30 years since Congress passed the Native American Graves Protection and Repatriation Act (NAGPRA), which included a set of provisions that continues to reverberate through Archaeology, physical anthropology, museology, cultural resources management, tribal communities, and the government-to-government relationship between Native American tribes and the United States Government. Passed on the heels of the National Museum of the American Indian Act of 1989 (NMAIA), both NAGPRA and NMAIA laid out the groundwork and processes for the identification and repatriation of thousands of Native American human remains, funerary objects and items of cultural patrimony. These acts were meant to redress the longstanding inequity in the treatment of Native American burials that began in the mid-19th century well into the 1970s and 1980s, and tribal objections to the housing of their ancestors in museums. Stakeholders from all sides weighed in, from the scientific community to tribal governments. The NAGPRA process, though carried out successfully over the years, has resulted in much controversy over issues such as “right of possession,” “exceptional scientific value,” “academic freedom,” and more broadly, who owns culture.

This one-day training class will provide attendees with an understanding of the historical factors that led to the passage of NAGPRA, the provisions and stipulations involved in the NAGPRA process, and cases studies in human remains excavations and analysis, inadvertent discovery, consultation and criminal activity. This course will count as an hour-per-hour credit for those seeking HPD continuing education credit for permit renewals in New Mexico. The fee is 95.00 per attendee, 85.00 for students.

What Attendees Can Expect to Learn

- **Historical underpinnings and contexts leading to NAGPRA**
- **Overview of the NAGPRA statute**
- **Examples and complexities of NAGPRA-related projects**
- **Overview and discussion of cases.**

Course Schedule

Morning

9:00 AM- Introductions

Part 1. Background

- A. Introduction: respect for the dead is a fundamental human right.
- B. The repatriation issue: Indigenous and scientific viewpoints
- C. The nature of identity
- D. Archaeology and the tribal fingerprint (difficulties)
- E. Racial anthropology and archaeology: how we got here.

BREAK: 15 minutes.

Part 2. Lead-up to NAGPRA and the Statute

- A. Definitions (and issues therein)
- B. Ownership (issues associated with ancestry and cultural affiliation)
- C. Excavation and Removal (permit under ARPA, consultation, control and disposition; NAGPRA plan of action).
- D. Inadvertent Discovery (procedures)
- E. Illegal Trafficking (human remains, funerary objects, object of cultural patrimony)
- F. Inventories (human remains and associated funerary objects; and unassociated items)
- G. Repatriation (standards)

Lunch: 12:00-1:15PM

Afternoon

Part 3. Working with NAGPRA and Related Actions

- 1. Brief overview & History
- 2. Dual Purpose of NAGPRA:
 - A. Provides guidance and control over federal agencies, and museums receiving federal funds.
 - B. Provides greater protection for Native American burial sites and more careful control over the removal

3. Conflicting Concepts Inherent in NAGPRA: “ownership,”
“consultation,” “repatriation,” “lineal descent/cultural affiliation.”

4. Practical Problems: Case Law and Discussion

- A. Section 106-driven (inadvertent discovery)
- B. A human remains discovery case (tribal preference)
- C. Human remains analysis (destructive and non-destructive)
- D. Cultural affiliation studies
- E. Items of Cultural Patrimony Criminal Case

Part 4. Controversies (evidentiary standards)

- A. Kennewick Man- age, identity and cultural affiliation
- B. Spirit Cave- age, cultural affiliation

Adjourn